

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
STIPULATED ELECTION AGREEMENT

Medieval Knights, LLC

Case 22-RC-296686

The parties **AGREE AS FOLLOWS:**

1. PROCEDURAL MATTERS. The parties waive their right to a hearing and agree that any notice of hearing previously issued in this matter is withdrawn, that the petition is amended to conform to this Agreement, and that the record of this case shall include this Agreement and be governed by the Board's Rules and Regulations.

2. COMMERCE. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the National Labor Relations Act and a question affecting commerce has arisen concerning the representation of employees within the meaning of Section 9(c).

The Employer, Medieval Knights, LLC, a Delaware limited liability company with a place of business at 149 Polito Avenue, Lyndhurst, New Jersey 07071, the only facility involved herein, is engaged in the business of providing show performance services. During the past calendar year, a representative period, the Employer derived gross annual revenues in excess of \$500,000 and purchased and received goods or services valued in excess of \$5,000 directly from suppliers located outside the State of New Jersey.

3. LABOR ORGANIZATION. The Petitioner, American Guild of Variety Artists, is an organization in which employees participate, and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work and is a labor organization within the meaning of Section 2(5) of the Act.

4. ELECTION. A secret-ballot election under the Board's Rules and Regulations shall be held under the supervision of the Regional Director on the date and at the hours and places specified below.

DATE: Friday,
July 15, 2022

HOURS: 1:00 PM to 2:30 PM
and
4:00 PM to 5:30 PM

PLACE: In the Photo Tower at the Employer's facility located at 149 Polito Avenue, Lyndhurst, New Jersey 07071.

Prior to the date of the manual-ballot election, the Regional Director may reassess the COVID-19 infection rates in Bergen County, New Jersey. The Regional Director may, in accordance with the guidance set forth in *Aspirus Keweenaw*, 370 NLRB No. 45 (2020), determine that the scheduled manual-ballot election cannot be safely conducted. In those circumstances, the Regional Director may postpone or cancel the election. If the election is postponed or canceled, the Regional Director, in her discretion, may reschedule the date, time, place of the election, or method of the election.

5. UNIT AND ELIGIBLE VOTERS. The following unit is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Initials: _____

INCLUDED: All full-time and regular part-time employees in the following departments: Knights, Squires, Show Cast (including Trumpeters), and Stables who are employed by the Employer at its facility located at 149 Polito Avenue, Lyndhurst, New Jersey.

EXCLUDED: All other employees, including food servers, wardrobe employees, bartenders, retail employees, sound and lighting employees, maintenance employees, housekeeping employees, kitchen employees, event staff employees, administration and marketing employees, office clerical employees, managerial employees, professional employees, guards and supervisors as defined in the Act.

Those eligible to vote in the election are employees in the above unit who were employed during the **payroll period ending Sunday, June 19, 2022**, including employees who did not work during that period because they were ill, on vacation, or were temporarily laid off.

Employees engaged in any economic strike, who have retained their status as strikers and who have not been permanently replaced are also eligible to vote. In addition, employees engaged in an economic strike which commenced less than 12 months before the election date, who have retained their status as strikers but who have been permanently replaced, as well as their replacements are eligible to vote. Employees who are otherwise eligible but who are in the military services of the United States may vote if they appear in person at the polls or by mail as described above in paragraph 4.

Ineligible to vote are (1) employees who have quit or been discharged for cause after the designated payroll period for eligibility, (2) employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and (3) employees engaged in an economic strike which began more than 12 months before the election date who have been permanently replaced.

6. VOTER LIST. Within 2 business days after the Regional Director has approved this Agreement, the Employer must provide to the Regional Director and all of the other parties a voter list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available personal home and cellular telephone numbers) of all eligible voters. ***The voter list must be filed with the Petitioner at the following electronic address: egreene@spivaklipton.com.*** The Employer must also include, in a separate section of that list, the same information for those individuals whom the parties have agreed should be permitted to vote subject to challenge. The list must be filed in common, everyday electronic file formats that can be searched. Unless otherwise agreed to by the parties, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. The font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. When feasible, the list must be filed electronically with the Regional Director and served electronically on the parties. The Employer must file with the Regional Director a certificate of service of the list on all parties.

7. THE BALLOT. The Regional Director, in his or her discretion, will decide the language(s) to be used on the election ballot. All parties should notify the Region as soon as possible of the need to have the Notice of Election and/or ballots translated.

The question on the ballot will be "Do you wish to be represented for purposes of collective bargaining by American Guild of Variety Artists?" The choices on the ballot will be "Yes" or "No".

Initials: _____

8. NOTICE OF ELECTION. The Regional Director, in his or her discretion, will decide the language(s) to be used on the Notice of Election. The Employer must post copies of the Notice of Election in conspicuous places, including all places where notices to employees in the unit are customarily posted, at least three (3) full working days prior to 12:01 a.m. of the day of the election. The Employer must also distribute the Notice of Election electronically, if the Employer customarily communicates with employees in the unit electronically. Failure to post or distribute the Notice of Election as required shall be grounds for setting aside the election whenever proper and timely objections are filed.

9. NOTICE OF ELECTION ONSITE REPRESENTATIVE. The following individual will serve as the Employer's designated Notice of Election onsite representative: Doug Dorn, Vice President of Operations, 149 Polito Avenue, Lyndhurst, New Jersey 07071; phone 843-267-7850; email Doug.Dorn@medievaltimes.com.

10. ACCOMMODATIONS REQUIRED. All parties should notify the Region as soon as possible of any voters, potential voters, or other participants in this election who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.503, and who in order to participate in the election need appropriate auxiliary aids, as defined in 29 C.F.R. 100.503, and request the necessary assistance.

11. OBSERVERS. Each party may station one authorized, nonsupervisory-employee observers at the polling places to assist in the election, to challenge the eligibility of voters, and to verify the tally.

12. TALLY OF BALLOTS. Upon conclusion of the election, the ballots will be counted and a tally of ballots prepared and immediately made available to the parties.

13. POSTELECTION AND RUNOFF PROCEDURES. All procedures after the ballots are counted shall conform with the Board's Rules and Regulations.

14. COVID-19 SAFETY MEASURES. Given the COVID-19 pandemic, no earlier than 48 hours before the election but no later than 24 hours before the election, the employer must submit the certification attached as **Attachment A**. If the certification is not timely provided, the Regional Director or designee (i.e., manager or supervisory employee) has the discretion to cancel the election. Based on the certifications, the Regional Director will consider whether the election should be held as scheduled.

Each party, party representative and observer participating at the pre-election conference, serving as an election observer, or participating in the ballot count, must submit the certification attached as **Attachment B**.

All parties further agree to notify the Regional Director, in writing, within 14 days after the day of the election, if any individuals who were present in the facility on the day of the election:

- 1) have tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days;
- 2) are awaiting results of a COVID-19 test;
- 3) are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, shortness of breath; or 4) have had direct contact with anyone in the previous 14 days

Initials: _____

who has tested positive for COVID-19 (or who are awaiting test results for COVID-19 or have been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested).

The following will also be provided for the election:

- (a) The Employer will provide a spacious polling area, sufficient to accommodate six-foot distancing, which should be marked on the floor with tape to insure separation for observers, Board Agent, and voters.
- (b) The polling area will have separate entrances and exits for voters, with markings to depict safe traffic flow throughout polling area.
- (c) The Employer will provide tables and seating spaced at least six feet apart so Board Agent, observers, ballot booth and ballot box are at least six feet apart.
- (d) The Employer will provide sufficient disposable pencils without erasers for each voter to mark their ballot.
- (e) The Employer will provide glue sticks or tape to seal challenge ballot envelopes.
- (f) The Employer will provide plexiglass barriers of sufficient size to protect the observers and Board Agent to separate observers and the Board Agent from voters and each other, pre-election conference and ballot count attendees, as well as masks, hand sanitizer, gloves and wipes for observers.
- (g) The Agency will provide to the Board Agent(s) running the election a face shield, mask, disposable clothes covering if requested, hand sanitizer, gloves and disinfecting wipes.
- (h) An inspection of the polling area will be conducted by video conference at least 24 hours prior to the election so that the Board Agent and parties can view the polling area.
- (i) In accordance with CDC guidance, all voters, observers, party representatives, and other participants should wear CDC-conforming masks in all phases of the election, including the pre-election conference, in the polling area or while observing the count. Signs will be posted in or immediately adjacent to the Notice of Election to notify voters, observers, party representatives and other participants of this requirement.
- (j) Individuals who are not a party, party representative or an observer, must stay at least 15 feet away from the Board Agent at the pre-election conference and the ballot count.

Initials: _____

Medieval Knights, LLC

(Employer)

American Guild of Variety Artists

(Petitioner)

By /s/ Doug Dorn 06/21/22
(Date)

By /s/ Eric Greene 06/21/22
(Date)

Print Name: Doug Dorn

Print Name: Eric Greene

Recommended: /s/ Robert E. Mulligan, Jr. 6/21/2022
Robert E. Mulligan, Jr., Attorney

Date approved: 6/21/2022

/s/ Suzanne Sullivan

Regional Director, Region 22
National Labor Relations Board

Initials: _____

Case Name: Medieval Knights, LLC

Case Number: 22-RC-296686

CERTIFICATIONS*

The polling area is consistently cleaned in conformity with established CDC hygienic and safety standards

_____ Yes _____ No

Within the preceding 14 days, the number of individuals have been present in the facility who:

Have tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days	
Are awaiting results of a COVID-19 test	
Are exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, or shortness of breath	
Have had contact with anyone in the previous 14 days who has tested positive for COVID-19 (or who is awaiting test results for COVID-19 or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested)	

By: _____

Title: _____

Date: _____

* Must be submitted to the Regional Director no earlier than 48 hours before the election but no later than 24 hours before the election. If the certification is not timely provided, the Regional Director or designee has the discretion to cancel the election.

Attachment A

Initials: _____

Case Name: Medieval Knights, LLC

Case Number: 22-RC-296686

CERTIFICATIONS*

Within the preceding 14 days, the individual named below (please initial below):

Has not tested positive for COVID-19 (or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested) within the prior 14 days	
Is not awaiting results of a COVID-19 test	
Is not exhibiting symptoms of COVID-19, including a fever of 100.4 or higher, cough, or shortness of breath	
Has not had contact with anyone in the previous 14 days who has tested positive for COVID-19 (or who is awaiting test results for COVID-19 or has been directed by a medical professional to proceed as if they have tested positive for COVID-19, despite not being tested)	

By: _____

Title: _____

Date: _____

* Must be submitted to the Board agent in order to participate in the pre-election conference or at the ballot count or serve as an observer.

Attachment B

Initials: _____